

Gift Acceptance Policy

This Gift Acceptance Policy (the “Policy”) governs the solicitation, acceptance, and acknowledgment of charitable gifts to the Vail Valley Foundation, which shall include Vail Valley Foundation, YouthPower365, Vail Amphitheater Corporation, Vilar Center Arts Foundation and any/all events or programs owned and/or operated by the Vail Valley Foundation, (each an “Organization”). References in this Policy to an Organization’s “Board of Directors” refer to the governing body of the Organization applying this Policy. Each Organization maintains responsibility for its implementation of this Policy and the solicitation, acceptance, and acknowledgement of charitable contributions pursuant to its terms.

This Policy is effective April 1, 2018. Each Organization may amend the Policy as it applies to that Organization at any time.

I. Acceptable Gifts. The following gifts are generally acceptable to the Organization, subject to the conditions and requirements set forth below.

A. Cash. In general, gifts of cash are acceptable. A gift of cash may be transferred from the donor to the Organization by check, wire transfer, or credit card payment. After a gift of cash has been received, the Organization will send a gift receipt for the contribution (see sample gift receipt language on Exhibit A).

B. Unrestricted Publicly Traded Securities. In general, gifts of unrestricted publicly traded securities are acceptable. A gift of unrestricted publicly traded securities can be transferred from the donor to the Organization’s brokerage account using the procedures approved by the Organization. The Organization and its advisors will control all decisions relating to the sale or retention of contributed securities. The Organization’s normal policy is to liquidate donated publicly traded securities as soon as feasible.

a. **Valuation.** Stock will generally be valued at the average of the highest and lowest quoted selling prices on the date of transfer. The Organization and/or its advisors will value the securities upon receipt.

b. **Receipt.** After a gift of publicly traded securities has been received, the Organization will acknowledge the contribution (see sample on Exhibit A). This acknowledgement should describe the property contributed (*e.g.*, list the securities received), but it should not include a valuation. The Donor must complete and submit a Form 8283 with his or her annual income tax return.

C. Other Types of Securities. The Organization may accept gifts of restricted or closely held securities after a review by the Organization’s President (or his or her designee) and consultation with the Organization’s legal counsel to confirm that (a) there are no restrictions that would prevent the Organization from ultimately converting the asset to cash; (b) the security is marketable; (c) the security will not generate undesirable tax consequences for the Organization; and (d) the security will not pose a significant risk of liability or involve a required financial contribution or capital call. Gifts of restricted or closely held securities must be approved in advance by the Organization’s Board of Directors or designated committee thereof.

- a. **Definition.** Restricted or closely held securities include, but are not limited to: (i) securities subject to restrictions imposed by Rule 144 of the Securities Act of 1933; (ii) securities subject to restrictions on redemption and sale, such as those contained buy-sell agreements, first purchase options, and redemption agreements; and (iii) ownership interests in any private business or entity including a partnership, limited liability company, or corporation.
- b. **Valuation.** The valuation of a contribution of more than \$500 of non-publicly traded securities must be established by a qualified appraisal performed by a qualified appraiser and paid for by the donor.
- c. **Disposition by the Organization.** The Organization and its advisors will determine on a case-by-case basis the disposition of each gift of restricted or closely held securities. The Organization's policy is to liquidate donated securities as soon as feasible. If the Organization sells, exchanges, consumes, or otherwise disposes of non-cash property described on the Form 8283 (other than publicly traded securities), within three years of receipt, then the Organization must complete and file with the IRS Form 8282. This form is available online at: <https://www.irs.gov/pub/irs-pdf/f8282.pdf>
- d. **Receipt Required.** Once a gift of securities has been received, the Organization must acknowledge the contribution (see sample on Exhibit A). This acknowledgement should describe the property contributed (e.g., list the securities received), but it should not include a valuation. The Donor must complete and submit a Form 8283 with its annual income tax return. The Organization will be required to acknowledge receipt of the securities by signing the bottom of page 2 of the Form 8283, see <https://www.irs.gov/pub/irs-pdf/f8283.pdf>.

D. Life Insurance.

- a. **Lifetime Gifts.** Lifetime gifts of paid-up whole life insurance policies on the life of the donor are acceptable, provided that the Organization is not required to keep the policy in force. Before accepting the policy, the Organization should confirm that (i) the benefit is at least \$50,000; (ii) the policy is paid-up or the donor has contributed an amount equal to the outstanding premiums; (iii) the Organization is the sole beneficiary; and (iv) there are no outstanding loans against the policy. To accomplish a gift of a life insurance policy, the donor should contact his or her life insurance company or broker to obtain the relevant transfer forms. Forms and procedures vary by insurance company.
- b. **Gifts of Insurance Proceeds.** The Organization will accept life insurance proceeds payable to it as beneficiary of a life insurance policy which the donor owns at death. A donor can add a charitable beneficiary on a life insurance policy by updating his or her standard change of beneficiary form.
- c. **Valuation.** For a gift of a policy worth more than \$500, the donor must obtain a qualified appraisal from a qualified appraiser. IRS Form 8283 must be signed by

the appraiser and the Organization and attached to the donor's tax return, see <https://www.irs.gov/pub/irs-pdf/f8283.pdf>. If the Organization sells, exchanges, consumes, or otherwise disposes of the policy, within three years of receipt, then the Organization must complete and file with the IRS Form 8282. This form is available online at: <https://www.irs.gov/pub/irs-pdf/f8282.pdf>

- d. **Receipt Required.** The Organization must provide a gift receipt for a contribution of a life insurance policy. This receipt should describe the policy contributed, but it should not include a valuation of the policy. No receipt is required for gifts received at the donor's death.

E. **Qualified Retirement Assets.** The Organization will generally accept distributions from a donor's retirement account. Qualified retirement plans and individual retirement accounts are trusts or custodial accounts that hold a person's tax-deferred retirement assets.

- a. There are several ways a donor can make a gift of retirement assets the Organization.

- i. **IRA Charitable Rollover.** Donors age 70 ½ or older can transfer up to \$100,000 annually from their IRA accounts directly to the Organization without first having to recognize the distribution as income. A qualifying rollover distribution can also count towards the donor's required minimum distribution. The donor does not receive a charitable income tax deduction for this type of charitable gift. IRA Charitable Rollover gifts cannot be added to a donor advised fund. Donors cannot receive any benefit in exchange for this type of charitable gift (e.g., recognition, membership credit, etc.).

- ii. **Lifetime Distribution.** Under the standard IRA distribution rules, if a donor takes a distribution out of an IRA and gives it to charity, the distribution must be included in the donor's gross income. The donor may receive a corresponding charitable income tax deduction, but this deduction is subject to the percentage limitations. As a result, it may not be beneficial for a donor to contribute retirement account assets to a charity during his or her lifetime, unless it is done via IRA charitable rollover.

- iii. **Testamentary Distribution.** The Organization can accept a distribution from the donor's retirement account at death. A distribution can take the form of a set dollar amount or a percentage of a retirement account. A donor could also name the Organization as a contingent charitable beneficiary on the plan (e.g., the beneficiary if one or more named beneficiaries predecease the donor). A donor can typically add a charitable beneficiary on a retirement account by updating his or her standard change of beneficiary form. Depending on the policy, the donor's spouse may need to consent to this change. Forms and procedures vary by company.

- b. **Valuation.** Distributions from a retirement account are typically cash and are valued as such.

- c. **Receipt Required.** The Organization must provide a gift receipt for lifetime distributions from a retirement account. A copy of a sample receipt for an IRA Charitable Rollover gift is attached as part of Exhibit A. No receipt is required for gifts received at the donor’s death.

F. **Real Estate.** Gifts of real estate may involve greater financial risk to the Organization than most other types of gifts. As a result, gifts of real estate require significant due diligence and must be approved by the Board of Directors or a designated committee thereof, in consultation with legal counsel.

- a. **Unacceptable Real Estate.** Unless an exception is approved by the Board, the Organization will not accept real estate that:
 - i. Is situated in a foreign country
 - ii. Is not likely to be sold within one year of receipt
 - iii. Has a market value that does not meet the minimum values set forth subsection vi below
 - iv. Presents material risk of environmental liability
 - v. Is subject to material title questions
 - vi. Has a fair market value less than the following amounts:

Undeveloped land	\$50,000
Developed land located in the Vail Valley	\$250,000
Other developed land	\$100,000

- b. **Review Process.** Before the Organization agrees to accept an interest in real estate, the property must undergo the two-phase review process described in Exhibit B.
- c. **Transfer Procedures.** If a proposed gift of real estate has been approved after the two-phase review, the following must occur:
 - i. The donor and the Organization will enter into an agreement setting forth the rights and obligations of the parties with respect to the transfer.
 - ii. The President, or his or her designee, will determine in consultation with legal counsel (A) whether to require a title search; and (B) what form of deed the donor will use to make the gift.
 - iii. The donor will transfer the real property interest in question to the Organization by delivering a deed to the Organization’s authorized agent.
 - iv. The Organization, at its expense, will have the deed recorded as soon as practical after receiving it.
- d. **Disposition.** The President (or his or her designee), will determine on a case-by-case basis whether to sell or retain the real estate. As a general practice, the Organization prefers to sell real property as soon as practical.

- G. **Tangible Personal Property / In-Kind Contributions.** The Organization may accept in-kind and tangible personal property contributions that can be used in furtherance of the Organization's exempt purposes or that are marketable and do not have undue restrictions on their use, display, or sale.
- a. **Silent or Live Auction Contributions.** The Organization may accept in-kind and tangible personal property contributions that it intends to sell at a silent or live auction for the benefit of the Organization. At the time of acceptance, the donor should provide the Organization with an estimated fair market value of the item. The Organization should share the estimated fair market value with auction bidders.
 - b. **Other Tangible Personal Property.** Gifts of tangible personal property (other than those described in subparagraph a. above) may be accepted only after a review indicates that: (a) the property may be readily sold or used by the Organization in a manner consistent with its mission; (b) the costs of owning the property (including insurance, taxes, storage, etc.) are reasonable relative to the property's value; (c) ownership of the property does not expose the Organization to undue risk of liability; and (d) the donor owns the property and has the authority to contribute it to the Organization. The President (or his or her designee), will determine on a case-by-case basis whether to sell or retain contributed tangible personal property. As a general practice, the Organization prefers to sell tangible personal property as soon as practical. Contributions of vehicles may be accepted pursuant to this subparagraph, but the Organization must comply with the additional requirements relating to the receipt and acknowledgment of qualified vehicles, as described in IRS Publication 4303, available at: <https://www.irs.gov/pub/irs-pdf/p4303.pdf>
 - c. **Expenses Incurred on Behalf of the Organization.** The Organization may provide a volunteer with a gift receipt reflecting the donor's unreimbursed expenses reasonably incurred on behalf of the Organization. Any such expenses must be incurred directly in furtherance of the Organization's tax-exempt purposes.
 - i. **Fundraising Expense.** If the following requirements are met, a volunteer may host a fundraiser on behalf of the Organization and the reasonable and necessary costs associated with hosting the event will be deemed a charitable contribution to the Organization.
 1. The volunteer notifies the Organization of the fundraiser in advance of the event and is granted permission to use the Organization's name (and if applicable logos) in connection with the event.
 2. The primary purpose of the event is to raise funds on behalf of the Organization, and this purpose is reflected in a written event invitation.

3. The volunteer complies with any applicable policies of the Organization related to the solicitation of charitable gifts and with applicable laws regulating charitable solicitations, directly pays all expenses associated with the event, and retains receipts and documentation for all such expenses.
 4. The expenses are reduced by any benefit received by the volunteer host (*e.g.*, items purchased in advance that are kept by the host following the event or leftover wine).
 5. The volunteer host must promptly remit to the Organization's Treasurer (or his or her designee) all funds raised for the Organization during the event, and at the request of the Organization must provide the Organization with an accounting of funds raised for the Organization. The volunteer host will also provide to the Organization the names and contact information of any donor seeking a receipt for the donor's contribution.
- ii. **Direct Payment of Volunteer's Fundraising Expenses.** As a general rule, the Organization will not accept cash contributions for the purpose of paying the vendors associated with a fundraising event hosted by a volunteer. The Organization may, in its sole discretion, pay vendors directly when the event is organized and/or initiated by the Organization.
 - iii. **Receipt.** Charitable contribution gift receipts will describe the volunteer's expenses but will not provide an estimate of the value of the expenses contributed by the volunteer. The Organization will provide receipts to event donors only upon receipt of the gift and documentation acceptable to the Organization concerning the gift and any benefits provided to the donor in exchange for the gift. The Organization will determine the sufficiency of the documentation in its sole discretion. The volunteer host will not provide receipts to event donors unless asked to do so by the Organization in writing.
- d. **Valuation and Substantiation.** If the donor makes a contribution of personal property and intends to claim a charitable income tax deduction that is greater than \$500 but less than \$5000, the donor must complete Section A of Form 8283 and attach it to his or her Form 1040. If the donor intends to claim a charitable income tax deduction of more than \$5,000, the donor must substantiate the value by obtaining a "qualified appraisal" from a "qualified appraiser." In addition, the donor must complete Section A to Form 8283 and the Organization must complete Section B of the Form 8283. It is the responsibility of the donor to secure and pay any costs of a qualified appraisal (where required) and of the donor's legal counsel and other advisors for all gifts made to the Organization. If the Organization sells, exchanges, consumes, or otherwise disposes of any property described on Section B of Form 8283 within three years of receipt then the Organization must complete and file with the IRS Form 8282.

- H. **Remainder Interests in Property.** Subject to the provisions of Section F above, the Organization may accept a remainder interest in a personal residence or vacation property. The donor or other occupants may continue to occupy the real property for the duration the term of the life estate. At the death of the holder of the life estate, the Organization will own the property outright and use the property or reduce it to cash. Where the Organization receives a gift of a remainder interest, expenses for maintenance, real estate taxes, and any property indebtedness are to be paid by the donor or life estate beneficiary. When accepting a gift of a remainder interest in real property subject to a retained life estate for the donor and/or other individuals, the Organization must enter into an Agreement of Life Tenants and Remainderman with the donor and any other individuals who will hold such life estates. The Agreement of Life Tenants and Remainderman will set out the respective rights and responsibilities of the life tenants and the Organization.
- I. **Restricted Gifts.** The Organization will not accept gifts subject to restrictions that impose an undue administrative burden on the Organization or that are inconsistent with its mission and priorities. All decisions as to whether a gift restriction is acceptable will be made by the Organization's President (or his or her designee).
- J. **Bequest or Devise.** Donors to the Organization may make testamentary gifts to the Organization in the form of a bequest in a will or a devise in a trust. These gifts will not be recorded as assets of the Organization until the gift is irrevocable. The Organization will accept a testamentary distribution of assets subject to the same criteria for acceptance of outright lifetime gifts (see discussion above). The Organization will not accept trusteeship of a revocable trust or serve as personal representative of an estate. Sample language for testamentary gifts will be provided to donors upon request. The Organization will encourage donors to consult their estate planning attorneys regarding all testamentary gifts.
- K. **Charitable Trusts.** A donor may name the Organization as the beneficiary under the terms of a charitable trust agreement (*e.g.*, charitable remainder trust, charitable lead trust). The Organization will not serve as a trustee of a charitable trust, but it will accept distributions pursuant to its normal policies for acceptance of gifts of cash, securities, and other property (see discussion above).
- a. **Information Needed.** If a donor names the Organization as the beneficiary of a charitable trust, the Organization should ask for a copy of the signed trust agreement to better understand the scope of its interests. The Organization may also request and review annual accountings of the trust to ensure that it is receiving its share of the charitable assets and that the trustee is managing the trust property in a prudent manner. If questions arise regarding the administration of the trust or the Organization's interest, the Organization should seek guidance from its legal counsel.
 - b. **Valuation and Receipt.** A donor's contributions to certain charitable trusts may qualify for an immediate charitable deduction based on the value of the Organization's current interest. If a donor provides the Organization with an interest in a charitable trust, the Organization should seek assistance from its legal counsel in valuing the interest and providing a written acknowledgment of the contribution.

- L. **Charitable Gift Annuities.** the Organization may accept gifts of cash and publicly traded securities in exchange for current charitable gift annuities so long as the following criteria are met: (i) minimum funding amount of \$100,000; (ii) the annuity rate does not exceed the applicable rate determined by the American Council on Gift Annuities; (iii) the annuity contract is between donor and the Organization in a form acceptable to the Organization. Exceptions to these guidelines must be approved by the President (or his or her designee).
- M. **Donor Advised Funds, Private Foundations, Supporting Organizations.** The Organization will generally accept and it is generally qualified to receive distributions from donor advised funds (“DAF”), private foundations, and certain supporting organizations. Any such distributions will be reviewed and accepted based on the type of gift (e.g., cash, stock, etc.) as described above.
- a. The Organization will not knowingly accept a gift from a DAF, private foundation or supporting organization that would result in impermissible private benefit, private inurement, an excess benefit transaction, or self-dealing.
 - b. A donor’s private foundation cannot be used to satisfy his or her legal obligations, such as a legally binding charitable pledge to the Organization. A donor’s donor advised fund may be used to satisfy the donor’s legally binding pledge to the Organization, but only if done in a manner authorized by the Internal Revenue Service.
 - c. The Organization does not provide recognition other than incidental recognition of the identity of the donor and funders of the donor with respect to gifts from DAFs, private foundations, or certain supporting organizations.
 - d. The Organization does not provide membership benefits or other return benefits in connection with gifts from DAFs, private foundations, and supporting organizations. Individuals who are contributors or advisors to or disqualified persons with respect to DAFs, private foundations, and supporting organizations may not split gifts with a DAF, private foundation or supporting organization (i.e. make separate payments) in order to reach a membership benefit level by aggregating those payments. If a distribution made from a DAF, private foundation, or supporting organization is accepted by the Organization, then the Organization will not accept a separate payment to obtain benefits from any person associated with the contributing DAF/private foundation/supporting organization.
- N. **Other Gifts.** The Organization will accept other types of gifts only upon the advance approval of the Organization’s President (or his or her designee).

II. Unacceptable Gifts. The Organization will not accept gifts that:

- A. Are inconsistent with the Organization’s mission, values, or ethical standards.
- B. Are likely to generate adverse publicity for the Organization.

- C. Are likely to adversely impact the Organization's reputation or relationship with community partners.
- D. Would prevent or impede the Organization from seeking other gifts.
- E. Involve discrimination based on race, religion, gender, sexual orientation, age, national origin, color, disability, or any other bases prohibited by federal, state, or local laws or otherwise violate applicable federal or state law.
- F. For any other reason if the Organization determines that accepting the gift is not in its best interests.

III. Implementation and Process of Gifts.

A. Gift Receipts.

- a. Once the gift is complete, the Organization must send an acknowledgement to the donor (*i.e.* a receipt) for any gift with a value of \$250 or more. An acknowledgment must be in writing, but it can be in the form of an email, written letter, postcard, or other format. The acknowledgment must contain the following information:
 - i. The Organization's name,
 - ii. The amount of cash contribution,
 - iii. The description (but not the value) of any non-cash contribution,
 - iv. A statement that no goods or services were provided by the Organization in return for the contribution, if that was the case, and
 - v. A description and good faith estimate of the value of goods or services, if any, that the Organization provided in return for the contribution.
- b. The Organization must provide the donor the receipt by the earlier of (i) the date on which the donor actually files his or her federal income tax for the year of the contribution; or (ii) the due date (including extension) of the return. Sample acknowledgement language is provided in Exhibit A.
- c. Additional requirements apply if the donor receives goods or services in exchange for part of the contribution (e.g., the donor makes a \$100 contribution and receives a \$40 ticket to an event in exchange or purchases a live or silent auction item). This type of contribution is referred to as a "quid pro quo contribution." A special quid pro quo disclosure must be provided to the donor either at the time of the solicitation or upon receipt of the contribution. The statement must be in writing and must:
 - i. Inform the donor that the amount of the contribution that is deductible for federal income tax purposes is limited to the excess of money (and the fair market value of property other than money) contributed by the donor over the value of goods or services provided by the Organization.

- ii. Provide the donor with a good-faith estimate of the fair market value of the goods or services.
 - d. For lifetime gifts of property other than cash and publicly traded securities, the Organization may also need to acknowledge receipt by signing page 2 of the donor's Form 8283.
 - e. For contributions made to a qualified Colorado child care program, the Organization will provide Form DR 1317. The following criteria must be met in order to satisfy receipt of Form DR 1317:
 - i. The full amount of the donation must be applied to a qualified program.
 - ii. The donor must inform the Organization of their intent to direct their contribution to a qualified program at the time the contribution is made.
- B. **Valuation of Gifts.** If a donor contributes property other than cash or publicly traded securities with a value in excess of \$5,000, the donor must substantiate the value by obtaining a "qualified appraisal" from a "qualified appraiser." In addition, the donor must attach a Form 8283 to his or her income tax return. The Organization will be required to acknowledge receipt of the contribution by signing the bottom of page 2 of the Form 8283. It is the responsibility of the donor to secure and pay any costs of a qualified appraisal (where required) and of the donor's legal counsel and other advisors for all gifts made to the Organization.
- C. **Disposition by the Organization.** The Organization and its advisors will determine on a case-by-case basis the disposition of each non-cash gift. If the Organization sells, exchanges, consumes, or otherwise disposes of non-cash property described on the Form 8283 with a value in excess of \$5,000 (other than publicly traded securities), within three years of receipt then the Organization must complete and file with the IRS Form 8282
- D. **Donor's Legal Counsel and Tax Advisor.** The Organization encourages all prospective donors to seek the assistance of personal legal, financial and/or tax advisors in matters relating to their gifts and the resulting tax and estate planning consequences.

EXHIBIT A

Sample Gift Receipt Language

Gift of Cash

Thank you for your contribution to [Organization] in the amount of [amount]. [Organization] received your gift on [date].

In accordance with federal tax laws, we are informing you that [Organization] did not provide you with any goods or services in consideration (in whole or in part) for your gift. We recommend that you retain this letter with your important tax documents.

Quid Pro Quo Contributions

Thank you for your payment to the [Organization] in the amount of [amount]. [Organization] received your gift on [date].

Your payment is deductible as a charitable contribution to the extent it exceeds the fair market value of any goods or services provided to you in exchange. [Organization] provided you with the following benefits in exchange for your gift [list of benefits]. We estimate that these benefits have a value of [amount]. Please consult your tax or legal advisor for more information on the deductibility of this payment. We recommend that you retain this letter with your important tax documents.

Gift of Securities

Thank you for your contribution to the [Organization] of [amount] shares of [common stock] of [company]. [Organization] received your gift on [date].

In accordance with federal tax laws, we are informing you that [Organization] did not provide you with any goods or services in consideration (in whole or in part) for your gift. We recommend that you retain this letter with your important tax documents.

IRA Charitable Rollover Receipt

Thank you for your gift in the amount of [amount] from your [Plan Administrator] Individual Retirement Account. We are writing to acknowledge that we received your gift directly from the plan trustee on [date], and we understand that it is your intention that your entire gift constitute a qualified charitable distribution from your IRA under section 408(d)(8) of the Internal Revenue Code.

We confirm for you that [Organization] is a qualified recipient described in section 170(b)(1)(A) of the Internal Revenue Code and that your gift was not transferred to a donor advised fund or a supporting Organization described in section 509(a)(3) of the Internal Revenue Code.

We provided no goods or services to you in connection with this gift. We recommend that you retain this letter with your important tax documents.

In-Kind Contributions

Thank you for your in-kind contribution of [list items]. [Organization] received your contribution on [date].

In accordance with federal tax laws, we are informing you that [Organization] did not provide you with any goods or services in consideration (in whole or in part) for your gift. We recommend that you retain this letter with your important tax documents.

EXHIBIT B

Review and Approval of Real Estate

Each proposed gift of real estate must pass a two-phase review and approval process before the gift can be accepted.

Phase 1 Review. The Organization's officers obtain the following information:

1. Location and type of property (residential, commercial, improved, unimproved)
2. Who owns the property and how is the ownership currently structured (joint tenancy, tenancy in common, limited partnership, community property)?
3. Is the property marketable within six months?
4. Is the property listed for sale or has it recently been listed for sale? If it has recently been listed, for how long, with whom, and at what price? If the property is currently for sale, obtain a copy of any purchase agreement, option, or listing agreement to which the property is subject.
5. Is the net value of the property (after costs of sale, holding, improving if necessary) at least \$100,000?
6. What is the estimated net cost of holding the property for six months? These costs include any costs maintenance, fees associated with the property (homeowners association, condo fees, sewer/water or other operating costs), and property taxes.
7. Is the donor willing to cover the costs of investigation and evaluation of the property, including an appraisal, Phase One Environmental Report, title insurance, and survey (for nonresidential property)?
8. What are the results of an informal site inspection conducted by an authorized Fraser employee or agent?
9. Is the property subject to any mortgages, liens, or other encumbrances? If so, does the donor intend to pay off or secure the release of the mortgages, liens or encumbrances prior to the gift?

Once the answers to the above questions have been obtained, the President or the President's designee must provide a report to the Board of Directors or a designated committee thereof. The Board/committee will then decide whether to proceed to Phase 2 of the review process.

Phase 2 Review. The Organization's officers and legal counsel obtain the following information:

1. What is the current zoning of the property? Are there any impending zoning changes?
2. Who owns the property and what is their length of ownership?
3. Does ownership include mineral rights, water rights, etc.?

4. Is the property subject to any restrictive easements or covenants?
5. Has the property been the subject of any regulatory designations (i.e. wetland, green acres, flood hazard area, etc.)?
6. Any threatened or pending litigation regarding the property?
7. Any levied or pending special assessments?
8. An estimated value of the property and/or a copy of any recent appraisal
9. The annual property taxes and status of the current year's taxes
10. If there are any mortgages, information on debt service and principal outstanding
11. If the property is income producing, a current operating statement and copies of any contracts or leases under which the property currently generates income
12. A copy of any Phase One environmental report (or other environmental review appropriate for the type of property in question)
13. Information within the donor's knowledge regarding any contamination on or within a one mile radius of the property
14. Information on any matter known to the donor that might affect the value and marketability of the property
15. An estimate of how long it would take to sell the property

The foregoing information is to be provided to the Board of Directors or a designated committee thereof. The Board/committee will then decide whether to accept the property, reject the property, or request further information or investigation.